

Remarks/Arguments

Claims 1-62 were in the application. Claims 25, 37, 41, 42, 49, 52 and 53 have been amended herein. Claims 1-24 and 59-62 have been canceled. No claims have been added. Upon entry of this response, claims 25-58 will be pending. No additional fee is due at this time.

A telephonic interview took place on December 10, 2009 between the Examiner and the undersigned attorney in which the previously cited Reyes reference and the previously submitted Section 131 declaration were discussed. Applicants agree with the interview summary provided by The Office. Applicants appreciate the Examiner's willingness to discuss the present application and move the application forward through prosecution, and the Examiner's subsequent acceptance of the Section 131 declaration as removing the Reyes reference.

The Examiner has rejected claims 1-27, 29-31, 33-35, 37-39, 41-43, 45, 47-54 and 56-60 under 35 U.S.C. § 103(a) as being obvious in view of U.S. Patent No. 5,678,045 to Cahill et al. ("Cahill") in combination with U.S. Published Patent Application 2004/0148235 to Craig et al. ("Craig") and U.S. Published Patent Application 2004/0133516 to Buchanan et al. ("Buchanan"). For a proper rejection based on Section 103(a), all claim recitations must be considered in view of the prior art. M.P.E.P. § 2143.03. Claims 1-24 and 59-62 have been canceled herein. All of Applicants' remaining claims, as amended, contain recitations for which no corresponding teaching can be found in Cahill, Craig or Buchanan. Independent claim 25, as an example, recites:

"using the cross-reference file to build a paying bank specific index while maintaining the check images in a substantially centralized storage system; and rendering the check images to the capture bank upon retrieval by the capture bank and to the paying bank only as necessary based on being retrieved by the paying bank using the paying bank specific index so that the check images are accessible upon retrieval by both the capture bank and the paying bank from the substantially centralized storage system."

None of the cited references disclose or suggest a centralized storage system from which images can be *retrieved* by at least two banks. In discussing claim 25, the Examiner states that Cahill teaches "centralizing check images for access by both a capture bank and a paying bank" and "acquiring a cross-reference file." But, Cahill teaches a system for check archiving within

an individual bank. Cahill does not mention a cross-reference file. Craig is directed to sending images from one bank to another. Each bank in Craig maintains its own copy of the images in its own client exchange server for its own exclusive use. The “central exchange server” referred to in Craig is for temporarily storing images for forwarding from one bank to another. *Banks cannot retrieve images from the central image exchange server of Craig.* Rather, images are pushed or “copied” to the appropriate bank’s client exchange server once the central exchange server ascertains the appropriate destination for the images. See, for example, paragraph [0028] of Craig.

In fact, Cahill, Craig and Buchanan are all silent on the use of a cross-reference file, or the receipt of a cross-reference file from any bank. Independent claim 25 also recites using the cross-reference file to build a paying bank specific index. There is no such teaching in Cahill, Craig or Buchanan. Claim 25 further recites “rendering the check images to the capture bank upon retrieval by the capture bank and to the paying bank only as necessary based on being retrieved by the paying bank using the paying bank specific index.” There is no such teaching in any of Cahill, Craig or Buchanan. The Examiner has cited Buchanan as teaching at paragraph [0108] that a check image can be retrieved by at least two banks from a substantially centralized storage system. However, this paragraph teaches making images available to the bank of first deposit and affiliated parties for archival purposes. The bank of first deposit is not the paying bank. Also, this process occurs in Buchanan after all checks, as paper or images, are automatically forwarded to the paying bank for presentment. See Buchanan, paragraph [0114]. Such a technique teaches directly away from Applicants’ claimed invention, in which images are only ever sent to the paying bank if necessary based on being retrieved by the paying bank. The paying bank in the system of Applicants’ claimed invention may not get a check image of the check can be settled without the image and the paying bank chooses not to retrieve the image. Buchanan is similar to Craig in this regard and also teaches away from Applicants’ claims in that in Buchanan individual images are automatically passed through to a paying bank.

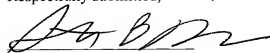
Independent claims 37, 49 and 52 each include the same or similar recitations and so are patentable over the combination of Cahill, Craig and Buchanan for at least these same reasons. Dependent claims 26, 27, 29-31, 33-35, 38, 39, 41-43, 45, 47-51, 53, 54 and 56-58 all include the same or similar recitations through dependency and so are patentable over the combination of

Cahill, Craig and Buchanan for at least these same reasons. Support for the recitation regarding building the paying bank index while maintaining the images in the centralized storage system can be found in the specification in paragraphs [0033], [0038], [0047] and [0048]. Support for the recitations regarding rendering to the paying bank when necessary or when retrieved by the paying bank can be found in the specification in paragraphs [0021], [0044] and [0071]. Claims 25-27, 29-31, 33-35, 37-39, 41-43, 45, 47-54 and 56-59 are not obvious in view of Cahill, Craig and Buchanan.

The Examiner has rejected claims 28, 32, 36, 40, 44, 48, 55, 61 and 62 under 35 U.S.C. § 103(a) as obvious in view of Cahill in combination with Craig and Buchanan, and further in view of U.S. Patent No. 5,784,610 to Copeland, III et al. ("Copeland"). Claims 61 and 62 have been canceled herein. Each of these remaining claims depends from at least one of the claims discussed above, and so is patentable for at least the same reasons discussed above. However, with respect to claims 32, 36, 44, 46, and other commensurate dependent claims, images are rendered upon *retrieval* either from the same or from different storage areas *within the substantially centralized storage system*. The Examiner again turns to Craig for this teaching. Since Craig does not support retrieval by banks from the central exchange server, these claims are inherently patentable over the combination of Cahill, Craig, Buchanan and Copeland for at least this additional reason.

In addition to the amendments discussed above, Applicants have amended dependent claims 41 and 42 to correct a clerical error. Applicants have also amended dependent claim 53 for consistency with respect to the amended base claim. Applicants believe they have responded to the Examiner's concerns, and that the application is in condition for allowance. Therefore, reconsideration of this application as amended is hereby requested.

Respectfully submitted,



Steven B. Phillips
Attorney for Applicants
Registration No. 37,911
Moore & Van Allen PLLC
P.O. Box 13706
Research Triangle Park, NC 27709

Date: March 23, 2010

Telephone: (919) 286-8000
Facsimile: (919) 286-8199